

Resolution Number 111-23

A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, providing for the issuance of not to exceed \$25,000,000 aggregate principal amount of City of Riviera Beach, Florida, General Obligation Bonds for the principal purpose of financing or reimbursing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping and improving Fire Station 86 as more fully described herein, and subject to the bond referendum herein provided for and subsequent proceedings of the City Council the City, such bonds to be payable from the full faith and credit and unlimited ad valorem taxing power of the City; providing for and calling a bond referendum of the qualified electors of the City to be held on March 19, 2024; providing for official ballots, bond referendum procedures, other related matters, and general authorizations in connection with the foregoing; and providing for severability, repealing clauses and an effective date.

Section 1. Authority for this Resolution. This resolution is adopted pursuant to the provisions of the Florida Constitution, Chapter 166, Florida Statutes, the Charter of the City of Riviera Beach, Florida (the "Charter") and other applicable provisions of law, including Sections 100.201 – 100.351, Florida Statutes.

Section 2. Findings. The City Council of the City of Riviera Beach, Florida (the "City Council") hereby finds and determines as follows:

A. The City of Riviera Beach, Florida (the "City") has determined that it is necessary to acquire, construct, equip and improve Fire Station 86 to serve the residents of the City which may be financed (or the cost of which may be reimbursed), all or in part, with proceeds of its general obligation bonds and other legally available funds, as set forth on Exhibit A hereto (the "Project").

B. The City Council hereby determines that it is necessary and desirable for the promotion of various municipal purposes and for the health, safety and welfare of the residents of the City, and serves a paramount public purpose, for the City to undertake one or more components of the Project and to issue its general obligation bonds to finance or reimburse, all or in part, the cost thereof, together with other legally available funds, as provided for herein (with any benefit to private parties from the Project being incidental for purposes of the Florida Constitution).

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45 C. In furtherance of the foregoing, and subject to a bond referendum as provided for
46 herein (the "Referendum"), the City desires to authorize the issuance of its general obligation
47 bonds in an aggregate principal amount not exceeding \$25,000,000 for the principal purpose
48 of financing or reimbursing, all or in part, together with other legally available funds, the cost
49 of acquiring, constructing, equipping and improving the Project (the "Bonds").
50

51 D. As a condition to the issuance of the Bonds, it is necessary to call and hold the
52 Referendum to determine whether a majority of the qualified electors of the City voting in the
53 Referendum approve the issuance of the Bonds.
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55 **Section 3. Project; Bonds; and Reimbursement.**

56 A. The Project is hereby approved and the findings set forth in Section 2(B) hereof
57 with respect thereto confirmed. The City may, in its sole discretion, by official action
58 evidenced by a resolution or ordinance of the City Council adopted or enacted from time to
59 time, modify or amend all or any portion of the items included in the Project to (1) delete one
60 or more of the components of the Project if the City determines it is not feasible or is otherwise
61 not in the best interests of the City to pursue or (2) substitute or modify one or more of the
62 components of the Project, if the City determines such substitution or modification better
63 serves City purposes, provided such modified or substituted facility, improvement or
64 equipment shall be included in the City's five-year capital improvement program, as adopted
65 from time to time, and be related to public safety with respect to the Project.
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67 B. Subject to the Referendum and the provisions of this Resolution, the Bonds are
68 authorized to be issued in the aggregate principal amount and for the purposes set forth in
69 Section 2(C) hereof in one or more series, maturing at such time or times not exceeding thirty
70 (30) years from their date or dates of issuance and bearing interest at a rate or rates not
71 exceeding the legal maximum rate of interest at the time of sale, all as shall be determined by
72 resolution or ordinance of the City Council prior to the time of sale thereof. Proceeds of the
73 Bonds will also be applied to fund necessary reserves, pay costs of issuance and fund other
74 costs necessary or incidental to the issuance of the Bonds and financing the Project. The Bonds
75 shall be general obligations of the City, shall pledge the full faith, credit and ad valorem taxing
76 power of the City and shall be payable from ad valorem taxes levied by the City without limit
77 as to rate or amount on all taxable property within the City. To the extent required by the
78 Charter, the issuance of any particular Bonds (or series of Bonds), if approved at the
79 Referendum, shall be authorized by ordinance enacted or resolution adopted by the City
80 Council.
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86 C. A portion of the costs of the Project may be paid or incurred before the related
87 Bonds are issued, in anticipation of the reimbursement of such expenditures from proceeds of
88 the Bonds. Section 1.150-2 of the Federal income tax regulations requires the City to officially
89 declare its intent to use proceeds of the Bonds to reimburse expenditures paid prior to issuance
90 thereof as a prerequisite to the proceeds being treated as used for reimbursement purposes if
91 the interest on such Bonds is to be excluded from gross income for Federal income tax
92 purposes. The City Council, by the adoption of an official intent resolution on August 2, 2023,
93 evidenced the City's intent, within the meaning of Section 1.150-2 of the Federal income tax
94 regulations, to issue the Bonds for the purpose of providing reimbursement from a portion of
95 the proceeds thereof, if such issuance is approved at the Referendum.
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97 D. Nothing in this Resolution shall be deemed to require the City to issue any or all of
98 the Bonds, if the Bonds are approved at the Referendum and/or to apply proceeds of the Bonds
99 (or any series thereof), if issued, to finance any specific components of the Project.
100

101 **Section 4. Referendum.** The Referendum is hereby called to be held in conjunction with
102 the special election to be held on March 19, 2024, inclusive of all early voting dates, for the
103 purpose of determining whether a majority of the qualified electors of the City voting in the
104 Referendum approve issuance of the Bonds in an aggregate principal amount and for the
105 purposes provided in this Resolution. All qualified electors in the City shall be entitled and
106 permitted to vote in the Referendum.

107
108 **Section 5. Conduct of Referendum.** The Supervisor of Elections of Palm Beach County,
109 Florida (the "Supervisor") shall hold, administer and conduct the Referendum in the manner
110 prescribed by applicable law. The City Clerk of the City (the "Clerk") and the Supervisor are
111 directed to take all necessary action to conduct the Referendum in accordance with applicable
112 law, including Sections 100.211 and 100.221, Florida Statutes. The Clerk or her designee is
113 hereby designated and appointed as the official representative of the City in all transactions
114 with the Supervisor relating to matters pertaining to the use of the registration books for the
115 Referendum and the holding of the Referendum.

116
117 The Referendum shall be held at the same polling places in the several precincts,
118 respectively, in the City as the polling places for the special election to be held on the same
119 day. The inspectors and clerks who shall conduct the Referendum shall be the same as those
120 selected and appointed for the special election to be held on the same day. Unless otherwise
121 provided by law, the polling places for the Referendum shall be open from 7:00 a.m. to 7:00
122 p.m. on the same day. The returns of the Referendum shall show the number of qualified
123 electors who voted at the Referendum on the ballot question and the number of votes cast for
124 and against the ballot question. The returns shall be properly canvassed in accordance with
125 applicable law and the results of the Referendum shall be certified to the Florida Department
126 of State in accordance with Section 100.351, Florida Statutes. All procedures and requirements

of the laws of the State of Florida, the Charter and other applicable law shall be complied with for the purpose of conducting the computation of ballots and completion of Referendum procedures.

Section 6. Notice of Referendum. Notice of the Referendum shall be published in a newspaper of general circulation in the City once a week for the four (4) consecutive weeks during the thirty (30) days prior to the date of the Referendum. Such publication shall be accomplished in a manner which results in notice being published at least once in the fifth week and once in the third week prior to the week in which the Referendum is held, with the date of first publication to be at least thirty (30) days prior to the date of the Referendum, all as provided by the Charter and Section 100.342, Florida Statutes. Such notice shall be in substantially the form attached hereto as Exhibit B, with such additions, deletions or modifications as shall be approved by the Clerk, the publication of the notice as directed herein being conclusive evidence of such approval. The Clerk is hereby authorized and directed to publish such notice and to secure from the publisher of the newspaper where such notice is published appropriate affidavits of proof that the notice was duly published. Such affidavits shall be made a part of the official records of the City.

Section 7. Official Ballot. The ballot question for voting in the Referendum shall be in substantially the form set forth below. The provisions of this Resolution shall be deemed incorporated in said ballot question. The Clerk is hereby authorized and directed to deliver a form of the ballot question set forth herein to the Supervisor for printing, to ascertain that the wording of the ballot question is correctly printed on the ballots, and to ensure that any reprinting, if necessary, is ordered by the Supervisor, all within such time as is necessary to comply with all applicable legal and administrative requirements, including any mailing requirements imposed by law in connection with absentee ballots. Without limiting the generality of the foregoing, ballots containing the question set forth in this Section 7 shall be prepared for the use of absent, qualified electors entitled to cast such ballots in the Referendum in accordance with Chapter 101, Florida Statutes.

OFFICIAL BALLOT

CITY OF RIVIERA BEACH, FLORIDA

FIRE STATION 86 GENERAL OBLIGATION BONDS

To acquire, construct, equip and improve Fire Station 86 and pay related costs shall the City of Riviera Beach, Florida issue bonds not exceeding \$25,000,000, in one or more series, bearing interest not exceeding the maximum legal rate, maturing not later than 30 years from their issuance date(s), pledging the City's full faith, credit and ad valorem taxing power to pay such bonds, all as described in City Resolution Number 111-23.

FOR BONDS _____

AGAINST BONDS _____

Section 8. Referendum Results. Returns of the votes cast at the Referendum shall be made as required by applicable law. If a majority of the votes cast for the ballot question shall be "For Bonds," the Bonds shall be approved, and such Bonds may be issued in one or more series, from time to time, as the City Council may in its discretion hereafter determine by subsequent proceedings of the City Council. If a majority of the votes cast for the ballot question shall be "Against Bonds," the Bonds shall be defeated and such Bonds shall not be issued. The approval or defeat of the ballot question considered at the Referendum shall not impact the approval or defeat of any other ballot question considered at the same time as the Referendum. If approved at the Referendum, the appropriate representatives of the City are authorized to seek judicial validation by the Circuit Court in and for the 15th Judicial Circuit of the State of Florida of the Bonds so approved.

Section 9. Languages. To the extent required by law, the ballot question at the Referendum and the notices of the Referendum shall be published in the English, Spanish and Creole languages.

Section 10. Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions, and shall in no way affect the validity of any of the other provisions hereof.

Section 11. Authorization to City Staff. City staff is hereby authorized and empowered, collectively and individually, to take all action and steps and to execute and deliver, on behalf of the City, and in their official capacities, any and all instruments,

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207 documents, or certificates which are necessary or desirable in connection with the actions
208 authorized hereunder.

209 **Section 12. Repealing Clause.** All resolutions or parts thereof, of the City, in conflict
210 herewith are, to the extent of such conflict, hereby modified to the extent of such conflict.

211 **Section 13. Effective Date.** This Resolution shall take effect upon its passage and
212 approval by the City Council.

213 **Passed and approved this 2nd day of August, 2023.**

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215 [Remainder of page intentionally left blank.]
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217

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Approved:

DocuSigned by:

Ronnie Felder

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Ronnie L. Felder

Mayor

Attest:

Tawanna Smith

Tawanna Smith

Certified Municipal Clerk

City Clerk

Motioned By: T. MCCOY

Seconded By: J. BOTEL

T. McCoy AYE

K. Miller-Anderson AYE

S. Lanier AYE

J. Botel AYE

D. Lawson AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Dawn S. Wynn

DAWN S. WYNN, CITY ATTORNEY

DATE: 8/2/2023

EXHIBIT A

PROJECT

THE FOLLOWING PROJECT IS SUBJECT TO MODIFICATION AS PROVIDED IN SECTION 3. A. AND SECTION 3. D. OF THE RESOLUTION TO WHICH THIS EXHIBIT IS ATTACHED.

The acquisition, construction, equipping and improving of an approximately 20,000 square foot Fire Station 86 to be located at 5010 N Ocean Drive.

EXHIBIT B
NOTICE OF BOND REFERENDUM FOR FIRE STATION 86
TO BE HELD ON MARCH 19, 2024

CITY OF RIVIERA BEACH, FLORIDA

To be held on March 19, 2024, as provided by Resolution Number 111-23 (the “Resolution”) of the City of Riviera Beach, Florida (the “City”) adopted on August 2, 2023.

Notice is hereby given that a bond referendum will be held in the City on March 19, 2024, inclusive of all early voting dates (the “Referendum”), to determine whether the City shall be authorized to issue general obligation bonds of the City in an aggregate principal amount not exceeding Twenty-Five Million Dollars (\$25,000,000) (the “Bonds”) for the principal purpose of financing or reimbursing, all or in part, together with other legally available funds, the cost of acquiring, constructing, equipping and improving Fire Station 86 for the City, all as described in the Resolution. The Bonds shall be secured by a pledge of the full faith, credit and unlimited ad valorem taxing power of the City. The Bonds may be issued in one or more series from time to time, shall mature at such time or times not exceeding thirty (30) years from their date or dates of issuance, and shall bear interest at a rate or rates not exceeding the legal maximum rate of interest at the time of sale.

Holding of the Referendum and issuance of the Bonds have been authorized by and shall be in accordance with the Resolution. The Resolution is available for inspection at the office of the City Clerk of the City, 600 W. Blue Heron Boulevard, Riviera Beach, Florida 33404, during regular working hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

In accordance with the Constitution and laws of the State of Florida, all qualified electors of the City shall be entitled and permitted to vote in the Referendum. The polls for voting on the Referendum will be open from 7:00 a.m. to 7:00 p.m. on March 19, 2024, and will be held at the polling places in the several precincts of the City. Times and locations for early voting may be obtained by contacting the City Clerk of the City at the location and times provided in the preceding paragraph.

The City shall be authorized to issue the Bonds only if such issuance shall have been approved by vote of a majority of the qualified electors of the City voting in the Referendum.

By order of the City Council of the City of Riviera Beach, Florida

CITY CLERK,

CITY OF RIVIERA BEACH, FLORIDA